

INTRADEPARTMENTAL CORRESPONDENCE

August 4, 2020
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TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: OFFICER-INVOLVED SHOOTING, FID NO. 048-19 (ANIMAL)

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Honorable Members:

The following is my review, analysis, and findings for Officer-Involved Shooting (OIS), Force Investigation Division (FID) No. 048-19. On July 9, 2020, this case was presented to the Chair of the Use of Force Review Board (UOFRB). I have reviewed and adopted the recommendations from the Chair of the UOFRB for this incident. I hereby submit my findings in accordance with Police Commission policy.

SUMMARY¹

On October 9, 2019, Officers C. Magana, Serial No. 38753, and J. DeLeon Guerrero, Serial No. 43085, Southeast (SOE) Patrol Division, were dressed in full uniform, driving a marked black and white police vehicle, and assigned to work 18X36. According to Officers Magana and DeLeon Guerrero, they had worked together approximately four to five times in the past and had discussed numerous tactical scenarios including, pedestrian stops, *traffic stops*, *contact and cover* roles, *lethal* and *non-lethal* designations, as well as communications and the availability of *additional resources*.

According to the FID investigation, at approximately 1718 hours, Communications Division (CD) broadcast the following radio call, "*Any Southeast unit, Battery in Progress, 419 East Century Boulevard, on Century between Avalon and Towne, in the gray house. PR (Person Reporting) hears several females assaulting additional female. Nothing seen, heard only. Code Two. Incident 4548. RD 1823.*" At approximately 1719 hours, CD updated the comments of the radio call through the Mobile Data Computer (MDC) to read, "*No susp description. Heard Only. Coming from the garage.*"² Approximately 1720 hours, Officers Magana and DeLeon Guerrero requested and were assigned the Code Two radio call. While enroute to the radio call, CD broadcast the following additional information, "*18X36, 18X36, your Battery in Progress,*

¹ The summary and the investigation completed by FID for this incident have been provided to the Board of Police Commissioners.

² A radio call accompanied by a "Code Two" designation is an urgent call and shall be answered immediately. The red light and siren shall not be used, and all traffic laws shall be observed (LAPD Manual, Volume 4, Section 120.40).

*419 East Century Boulevard, is an ADW suspect. Multiple suspects versus one person. The PR no longer hears anything coming from garage. Still Code 2. Incident 4548.*³

According to Officer DeLeon Guerrero, after receiving the radio call, Officer Magana advised Officer DeLeon Guerrero that he (Officer Magana) would be the *contact* and *less-lethal* officer and Officer DeLeon Guerrero would be the *cover* and *lethal* officer.

According to Officer Magana, prior to their start of watch, he and Officer DeLeon Guerrero discussed that as the *driving* officer, Officer DeLeon Guerrero would be the *cover officer* and Officer Magana would be the *contact* officer. Officer Magana stated their plan was for Officer Magana to *make contact* with the individuals at scene and if *additional units* or a *back-up* were needed once they got to the rear of the location, they would request it (**Debriefing Point No. 1**).

According to the FID investigation, Officers Magana and DeLeon Guerrero parked their police vehicle in the street directly in front of 419 East Century Boulevard, the address listed in the radio call, and placed themselves at scene utilizing their MDC. Officers Magana and DeLeon Guerrero exited their police vehicle and proceeded to investigate the radio call (**Debriefing Point No. 1 and Additional/Equipment – Body Worn Video**).

Note: Officers Magana and DeLeon Guerrero left their PR-24 side handle batons inside of their police vehicle. In addition, Officer Magana was not in possession of his Oleoresin Capsicum (OC) spray. According to Officer Magana, his OC spray had been torn from his Sam Browne police utility belt on a prior occasion, and he had yet to replace it (**Debriefing Point No. 1**).

According to Officer Magana, the residence appeared as if it had been recently remodeled and was vacant with *no cars* in the front. Officer Magana described the residence as a *gray duplex with a wrought-iron* fence which enclosed the property. Believing the residence was vacant and the pedestrian gate would be locked, Officer Magana *shook the gate* and the gate moved. Officer Magana noted there was no lock on the gate and no posted signs indicating an animal was present. Officer Magana reached over the wrought iron gate, unlatched the securing mechanism, opened the pedestrian gate, and entered. Officer DeLeon Guerrero followed behind Officer Magana, leaving the pedestrian gate open. Officer Magana stated that due to the comments of the radio call, he proceeded north on the walkway toward the garage area, followed by Officer DeLeon Guerrero. As Officers Magana and DeLeon Guerrero walked to the garage area, Officer Magana looked into the east facing windows of the residence. Officer Magana observed *brand-new hardwood floors* but no *furniture* inside the location, supporting his belief that the property was vacant.

According to Officer DeLeon Guerrero, as he and Officer Magana approached the residence, he observed there were *no lights* on *inside*, *no curtains* draped on the *windows*, *no vehicles* on the *driveway*, and there was no sign of occupants residing on the property. Additionally, Officer DeLeon Guerrero scanned the property for visible clues of the presence of a dog on the property;

³ Due to the officers Code Two response, their Digital In-Car Video System (DICVS) was not activated.

however, there were no signs of an animal kennel, feeding and/or watering dishes, and no presence of animal feces. Based on his observations, Officer De Leon Guerrero believed the residence to be vacant and the property to be empty.

According to Witness Jeffery Johnson, he was seated inside of his residence in his living room, located at 421 East Century Boulevard. Johnson stated he observed Officers Magana and DeLeon Guerrero approached the gate with their *guns out*. Johnson could hear a *dog barking* when the officers were *inside* the gate and *heard* officers shoot *twice*.

Note: The FID investigation determined that both Officers Magana and DeLeon Guerrero's service pistols were holstered when they entered the premises, which was depicted on both BWV and surveillance video.

According to the FID investigation, there was a wrought iron pedestrian gate on the southeast side of the property, which allowed access to a concrete pathway leading to the garage on the north side of the property. Officers Magana and DeLeon Guerrero did not announce their presence and waited approximately seven seconds prior to entering the property. The dog walked around the northeast corner of the residence and stopped for approximately three seconds.⁴ Officer Magana was positioned approximately 20 feet south of the corner in the middle of the walkway. Officer DeLeon Guerrero was positioned approximately five feet behind and to the right of Officer Magana.

According to Officer DeLeon Guerrero, as they walked north along the driveway, Officers Magana and DeLeon Guerrero *turned down* the volume of their *radios* in order to listen for *screaming* sounds, as was described in the comments of the radio call. Officer DeLeon Guerrero did not detect any *noise coming from the building or the alley*, which was located behind the property. Officer DeLeon Guerrero stated that he and Officer Magana were approximately *mid-building*, when Officer DeLeon Guerrero observed an approximately *90 to 100-pound Pit Bull*. Officer DeLeon Guerrero observed the dog began to growl, show *its teeth*, and *take a stance as if were to charge at him* and Officer Magana. Officer DeLeon Guerrero *quickly turned* around and *sprinted* towards *the front gate*. As he was doing so, Officer DeLeon Guerrero could hear the *pitter patter* of the dog's *paws on the concrete*, indicating to him that *the dog was charging* at them. According to Officer DeLeon Guerrero, he believed Officer Magana was running behind him. As Officer DeLeon Guerrero was running towards the gate, he heard Officer Magana discharge two rounds from his service pistol. After Officer DeLeon Guerrero exited the pedestrian gate, Officer DeLeon Guerrero drew his service pistol because he had heard Officer Magana discharge his service pistol and believed the dog was an *immediate threat of death or serious bodily injury* to Officer Magana (**Debriefing Point No. 1 and Drawing/Exhibiting**).⁵

Note: According to the FID investigation, Officer DeLeon Guerrero appeared to have his right index finger on the trigger of his service pistol as he closed the pedestrian gate.

⁴ According to the FID investigation, the dog was a female brown mixed breed, approximately 53 pounds and four to five years of age with the name "Lola."

⁵ According to Officer DeLeon Guerrero, he was attacked by multiple dogs when he was five-years-old, resulting in minor lacerations. Those dogs exhibited similar behavior, i.e. growling and displaying of teeth prior to the attack.

Additionally, it appeared that Officer DeLeon Guerrero covered his left hand with the muzzle of his service pistol (**Debriefing Point No. 2**).

According to Officer Magana, he observed a *Pit Bull*, weighing approximately *70 to 80 pounds*, appear from *around the corner* of the residence. The dog looked in Officer Magana's direction and stopped. Officer Magana initially believed that the dog was going to be friendly; however, the dog began *growling*, showing *its teeth*, and *looked vicious*. In response, Officer Magana attempted to redeploy and gain some distance from the dog by walking backward in a southerly direction, but the dog *charged* at him. Officer Magana became *scared* and drew his service pistol from an approximate distance of *10 feet*, which Officer Magana held in his right hand, because he believed the dog was *going to bite him (Drawing/Exhibiting)*.⁶

According to Officer Magana, he observed the dog *growling* and showing *its teeth* as it charged towards Officer Magana in a *full sprint*. Believing the dog was going to *chew him up*, Officer Magana fully extended his right arm and fired one round from his service pistol, from an approximate distance of five feet, towards the dog's *head and body*. Upon assessing that the first round had no effect on the dog and the dog was *still charging* at Officer Magana with its *mouth open* while emitting a *low barking hard growl*, Officer Magana fired a second round from his service pistol from an approximate distance of *three feet*. Officer Magana aimed at the dog's *head and body* with his fully extended right arm and the second round struck the dog *above the right eye*, causing the dog to collapse to the ground (**Lethal Use of Force**).

The FID investigation determined that from the time the dog appeared at the corner of the residence to the time that Officer Magana discharged his two rounds was approximately five seconds. During the incident, Officer Magana was holding his service pistol in a right, single-handed shooting grip, while holding his flashlight in his left hand, as he discharged two rounds from his service pistol. Officer Magana held his service pistol in a low-ready position, as he redeployed away from the residence. While walking backward Officer Magana holstered his service pistol as he continued to redeploy out of the residential property and onto the sidewalk (**Additional Tactical Debrief Topic – Single-Handed Shooting**).

According to one of the dog's owners, Witness B. Goss, who resides at 419 East Century Boulevard, he *got the dog for the purpose* of watching the yard. Goss further stated that if someone enters the yard *without permission*, the dog will attack, because *that's his job, that's what we got him for*.⁷

According to the FID investigation, Officer DeLeon Guerrero broadcast, "*18X36, shots fired.*" Communications Division (CD) upgraded the response to an "Officer Needs Help" call.⁸ Officer DeLeon Guerrero then provided an update and broadcast, "*X36, be advised it's a dog only.*" As

⁶ According to Officer Magana, he was previously bitten by a dog while handling a radio call on May 11, 2013 when he was assigned to Mission Patrol Division, DR No. 1319-0086.

⁷ Witness Goss' transcript, Page 4, Lines 5–7, Lines 9–10.

⁸ Officer Needs Help call - An emergency call shall be broadcast when an officer requires immediate aid for a life-threatening incident or an incident that requires immediate aid because of serious bodily injury, death, or a serious threat to public safety is imminent (LAPD Manual, Volume 4, Section 120.40).

the occupants of 419 and 419 ½ East Century Boulevard began to exit the house through the front and back doors, additional SOE personnel arrived at the scene (**Additional Tactical Debrief Topic - Radio Codes and Procedures**).

According to the FID investigation, Sergeant J. Cohen, Serial No. 38352, SOE Area Patrol Division, arrived on scene and declared herself Incident Commander. Sergeant Cohen separated Officers Magana and DeLeon Guerrero and established a Command Post in order to manage the OIS. As Sergeant B. Seagrave, Serial No. 33636, SOE Area Patrol Division, arrived on scene, Sergeant Cohen directed him to assume monitoring of Officer DeLeon Guerrero and obtain a Public Safety Statement (PSS) from Officer DeLeon Guerrero. Sergeant Cohen also directed Sergeant R. Simmons, Serial No. 38818, SOE Area Patrol Division, to assume monitoring of Officer Magana and obtain a PSS from Officer Magana. Officers Magana and DeLeon Guerrero were transported to SOE Community Police Station by Sergeants Seagrave and Simmons respectively, where they continued to monitor the officers. At approximately 1818 hours, Sergeant J. Linder, Serial No. 33254, SOE Area Patrol Division, Watch Commander, notified Officer L. Thompson, Serial No. 30077, Department Operations Center (DOC), of the OIS (**Additional/Equipment – Protocols Subsequent to a Categorical Use of Force**).

According to the FID investigation, there were no officers or civilians injured during the incident. There were additional family members, including minors, who were inside of the residence during the incident but did not witness the OIS and refused to be interviewed by FID investigators. FID investigators attempted to contact the PR of the 9-1-1 call; however, they did not receive a response at the time of their report. FID determined that no crime had occurred at the location where the radio call was generated, 419 East Century Boulevard. In addition, FID investigators canvassed the area for evidence and recovered two spent cartridges, DR No. 1918-21309. No bullets or bullet fragments were recovered from the scene.

According to the FID investigation, Detective J. Kim, Serial No. 36639, FID, conducted a post incident weapon inspection of Officer Magana's service pistol. Detective Kim determined there was one round in the firing chamber and 15 rounds in the magazine, for a total of 16 rounds. This information was consistent with the physical evidence indicating that Officer Magana discharged two rounds during the incident.

Witness Goss refused to take the dog for medical treatment.⁹ Officer A. Jenkins, Serial No. 40039, SOE Patrol Division, and Officer M. Bryant, Serial No. 41242, SOE Patrol Division, transported the dog to City of Los Angeles, Department of Animal Service, South Los Angeles Kennel, for medical attention.¹⁰ Veterinarian Doctor Elsa Dany, Affordable Vet Clinic Animal Hospital, treated the dog for a gunshot wound to the right orbital area, above the eye and opined that the dog would make a full recovery without sight damage. There did not appear to be an exit wound and the orbital bone and bullet fragments were discarded. Lieutenant Rodriguez, Serial No. 067, Department of Animal Services, verified that the dog, who was registered on file

⁹ Witness Goss' transcript, Page 9, Lines 5–10.

¹⁰ City of Los Angeles, Department of Animal Services Incident No. A1902372.

with Animal ID No. K19-049707, had no prior reports or incidents on file (**Additional Tactical Debrief Topic – Protocols Subsequent to a Categorical Use of Force**).

FINDINGS

Tactics – Administrative Disapproval, Officers Magana and DeLeon Guerrero.

Drawing/Exhibiting – In Policy, No Further Action, Officers Magana and DeLeon Guerrero

Lethal Use of Force – In Policy, No Further Action, Officer Magana

ANALYSIS¹¹

Detention

Does Not Apply.

Tactics

Department policy relative to a Tactical Debrief is: *“The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance.”*

Department policy relative to Administrative Disapproval is: *“A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training” (Los Angeles Police Department Manual, Volume 3, Section 792.05).*

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Tactical De-Escalation

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

¹¹ The analysis reflects my recommendations as supported by the preponderance of the evidence established by the investigation.

Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)*

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – According to Officers Magana and DeLeon Guerrero, they had worked together approximately four to five times in the past and had discussed numerous tactical scenarios including, pedestrian stops, traffic stops, contact and cover roles, lethal and non-lethal designations, as well as communications and the availability of additional resources. Officer Magana stated their plan was for Officer Magana to make contact with the individuals at scene and if additional units or a back-up were needed once they got to the rear of the location, they would request it. According to Officer DeLeon Guerrero, after receiving the radio call, Officer Magana advised Officer DeLeon Guerrero that he (Officer Magana) would be the contact and less-lethal officer and Officer DeLeon Guerrero would be the cover and lethal officer.

In addition, Officer Magana was not in possession of his OC spray and neither Officer Magana nor Officer DeLeon Guerrero were in possession of their PR-24 side handle batons, which were left inside the police vehicle.

The UOFRB concluded, and I concur, that while Officers Magana and DeLeon Guerrero had prior experience working with each other and had tactical discussions, each radio call and patrol situation merits its own discussion and individual plan on how to best address the incident. The officers plan to arrive on the scene, make contact, and develop a tactical plan from there, lacked depth and detail, forcing the officers to be reactionary as opposed to taking action and controlling the scene. The UOFRB noted that a proper plan includes being in possession of all equipment necessary to accomplish a task. Officers Magana and DeLeon Guerrero's lack of required equipment limited their planning and accessibility to their batons and OC spray, which may have proved effective against the dog and provided additional options in dealing with the incident. I would have preferred Officers Magana and DeLeon Guerrero have been in possession of their required patrol equipment and had developed a more robust plan prior to arriving to this incident.

Assessment – When Officers Magana and DeLeon Guerrero arrived on scene, they parked their police vehicle directly in front of the location of an ADW radio call. They approached the location and made multiple assessments regarding the property and the residence, noting the residence to be newly renovated with new hard wood floors, a lack of furniture, and no curtains on the windows. The officers also assessed the property had no vehicles on the driveway, no

presence of an animal kennel, no food and/or watering dishes, and an absence of animal waste on the ground. These assessments led the officers to assume the residence was vacant and the property was free of animals.

As the dog emerged and made its presence known to Officers Magana and DeLeon Guerrero, the officers assessed the danger the dog posed to them. Officer DeLeon Guerrero turned and redeployed by leaving the property and behind the pedestrian gate while Officer Magana attempted to redeploy by walking slowly backward and away from the dog. Officer Magana assessed that the first round had no effect on the dog and discharged a second round. Officer Magana re-assessed that the dog was no longer a threat to him and ceased firing his service pistol.

As additional personnel arrived on scene, the owner of the dog was given the option of transporting the dog to a veterinary hospital for medical attention. The owner, however, declined to transport the dog. In assessing the dog's need for medical attention, the dog was loaded into a black and white police vehicle and transported for medical attention.

The UOFRB noted, and I concur, that Officers Magana and DeLeon Guerrero made multiple observations and assessments throughout the incident. However, Officer DeLeon Guerrero chose to park their police vehicle directly in front of an ADW radio call location. His partner, Officer Magana, also had the ability and responsibility to assess their police vehicle's placement given that while enroute to their call, the call was updated to an ADW from a battery. Officer Magana did not communicate with Officer DeLeon Guerrero to re-position their police vehicle and park it in a more tactically advantageous location.

The UOFRB concluded, and I concur, that while Officers Magana and DeLeon Guerrero utilized their keen observation skills and assessed many different aspects of the property and residence, they incorrectly made the assumption that the property was vacant and approached the radio call with a sense of complacency, even though the comments indicated that the issue of concern was to the rear of the location. When the dog appeared, Officers Magana and DeLeon Guerrero assessed the threat and attempted to redeploy but did not communicate with each other. Officer DeLeon Guerrero turned his back to the threat and ran towards the gate, leaving Officer Magana to deal with the threat alone. Officer Magana made the assessment that he was too close to the threat and slowly backed away while continuing to face the threat. Upon discharging his service pistol, Officer Magana assessed that his first round had no effect on the dog and after a second discharge from his service pistol, assessed that the dog was no longer a threat and discontinued his use of lethal force. The UOFRB would have preferred that both officers communicated their assessments and remained together to address the threat as a unified unit being guided by the principals set forth in Use of Force - Tactics Directive, Dog Encounters, dated September 2014.

The UOFRB noted that while transporting a wounded animal by Department personnel was prohibited by Department policy in animal shootings, the care and compassion shown by Department personnel at the scene was highly commendable, de-escalated the incident, and

outlined our core function and belief of the Reverence for Life; not only human life but for all living beings, even when the dog's owner chose not to care for the dog.¹²

Time – Officers Magana and DeLeon Guerrero were afforded some time while enroute to the radio call to create a more robust tactical plan. As there was no real exigency, officers also had the time to readjust their parking location after they realized they parked their police vehicle directly in front of the radio call location. Additionally, officers were afforded with time to activate their Body Worn Video and gather their additional required equipment from their police vehicle prior to initiating their investigation. Once the dog emerged and was identified as a threat, Officers Magana and DeLeon Guerrero attempted to redeploy by utilizing distance and attempting to obtain cover to afford the officers additional time to manage the threat; however, the dog charged the officers reducing the distance and time officers needed to redeploy to safety and consider other tactical options.

The UOFRB concluded that Officers Magana and DeLeon Guerrero were faced with no exigency in responding to the radio call and were afforded with time to develop a more detailed and comprehensive tactical plan. I would have preferred these officers utilize the time provided to have properly equipped themselves by having their required equipment on them, formulating a solid tactical plan, and activating their BWV systems.

Redeployment and/or Containment – When the dog emerged from the corner of the property, Officer DeLeon Guerrero, believing Officer Magana was behind him, turned and ran from the dog in order to create distance between himself and the threat. Officer Magana attempted to slowly back away from the dog to create distance while continuing to assess and face the threat.

The UOFRB noted that Officers Magana and DeLeon Guerrero attempted to redeploy away from the dog in order to avoid serious bodily injury and the use of lethal force; however, the officers used two very different methods. Officer Magana used the tactics of maintaining his composure and facing the dog without making any sudden movements to excite the dog and provoke a reaction. Officer DeLeon Guerrero, on the other hand, turned his back on the dog and exposed his back to the threat, and in doing so, left Officer Magana to deal with the potentially deadly threat on his own.¹³ The UOFRB was critical of Officer DeLeon Guerrero's decision to leave Officer Magana and I concur with that assessment. I would have preferred that Officer DeLeon Guerrero communicated his intentions with Officer Magana and had both officers redeploy as quickly as possible from the threat or remain together and deal with the threat as a tactical team.

Other Resources – As Officers Magana and DeLeon Guerrero arrived on scene they proceeded to investigate the radio call without their side handle batons, which were left in their police vehicle. Officer Magana did not have his OC spray on his Sam Browne police utility belt. At the direction of his partner, Officer DeLeon Guerrero advised CD that shots had been fired but did not repeat their location or upgrade the incident to a Help call. Communications Division upgraded this incident to a Help call. Moments later, as resources were responding, Officer

¹² "Animal Shootings," LAPD Manual, Volume 4, Section 204.80.

¹³ Use of Force - Tactics Directive, Dog Encounters, September 2014, states "Never turn your back on a dog."

DeLeon Guerrero provided additional information that the shooting involved an animal. In this case, neither Officer Magana nor Officer DeLeon Guerrero activated their BWV systems.

The UOFRB pointed out that Officers Magana and DeLeon Guerrero lack of required equipment highlighted their complacency during this incident and I concur. I would have preferred the officers had the required batons and OC spray on them as additional options to de-escalate a situation. The officers lack of BWV activation in this incident was not only a violation of current policy but limited investigators efforts in obtaining information that would have supported the officers' assessments.

Lines of Communication – According to Officers Magana and DeLeon Guerrero, they had previously discussed tactical scenarios including, pedestrian stops, traffic stops, contact and cover roles, lethal and non-lethal designations, as well as communications and the availability of additional resources. In this call, their plan was for Officer Magana to make contact with the individuals at scene and if additional units or a back-up was needed, they would develop a tactical plan from there. According to Officer DeLeon Guerrero, after receiving the radio call, Officer Magana advised Officer DeLeon Guerrero that he (Officer Magana) would be the contact and less-lethal officer and Officer DeLeon Guerrero would be the cover and lethal officer.

As the dog emerged from the northwest corner of the property, neither Officers Magana or DeLeon Guerrero communicated with each other their observations or a plan, resulting in Officer DeLeon Guerrero turning and running from the threat, which left Officer Magana to face the dog alone. At the direction of his partner, Officer DeLeon Guerrero advised CD that shots had been fired, and moments later, after CD upgraded the incident to a Help call, Officer DeLeon Guerrero advised responding units that the shooting involved an animal.

The UOFRB noted that while Officers Magana and DeLeon Guerrero had prior conversations regarding tactical plans and designations, they did not communicate a specific tactical plan with regard to this radio call. The UOFRB was critical of the officers' lack of communication with each other as the dog emerged and presented itself as a threat. This communication deficiency led to Officer Magana facing a potentially deadly threat alone and without the assistance of Officer DeLeon Guerrero.

During the review of the incident, the following Debriefing Topics were noted:

Debriefing Point No. 1 Tactical Communication/Tactical Planning
(Substantial Deviation, without justification – Officers Magana and DeLeon Guerrero)

Officers are trained to work together and function as a team. In order to ensure officer safety and help ensure an appropriate outcome, the primary officers and cover officers must effectively communicate with one another. Appropriate communication involves advising the primary officer of any critical occurrences or safety issues (California Commission on Peace Officers Standards and Training Learning, Domain No. 22).

Officers must approach every contact with officer safety in mind. Complacency, overconfidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack (California Commission on Peace Officer Standards and Training, Learning Domain 21).

Officers Magana and DeLeon Guerrero had held previous discussions regarding tactical situations and assigned designations of contact and cover roles, as well as lethal and less-lethal delineations. While enroute to the radio call, the officers limited plan consisted of making contact with individuals from the radio call and formulating a tactical plan from the information they received, which included the request for additional resources should the need arise.

As Officers Magana and DeLeon Guerrero arrived on scene, Officer DeLeon Guerrero parked their police vehicle on the street, directly in front of the radio call location. As Officers Magana and DeLeon Guerrero exited their police vehicle they left their side handle batons inside the police vehicle and proceeded to investigate the radio call. In addition, Officer Magana was not equipped with OC spray and neither officer activated their BWV systems, indicating a level of complacency.

Officers Magana and DeLeon Guerrero assessed and approached the scene. The officers did make some notable observations initially but didn't appear to discuss their assessments. As the officers proceeded to the rear of the property toward the garage area, as indicated in the radio call, a dog emerged from the exterior northeast corner of the residence. Officer DeLeon Guerrero turned his back on a significant threat that could have resulted in serious bodily injury or death to himself and his partner. Officer DeLeon Guerrero fled in a southerly direction, leaving Officer Magana to deal with the threat alone. Neither Officers Magana nor DeLeon Guerrero communicated their plans for re-deployment.

In this case, Officers Magana and DeLeon Guerrero had the availability of time to formulate a tactical plan prior to their arrival. In addition, Officers Magana and DeLeon Guerrero had the responsibility to have all their required equipment as they exited their police vehicle. Furthermore, the Los Angeles Police Department strategically deploys two-person patrol units to work together to communicate, strategize, and operate as a team during daily patrol functions with the purpose of confronting issues together. Officers Magana and DeLeon Guerrero's lack of communication with each other, and Officer DeLeon Guerrero leaving Officer Magana to deal with the threat alone was deliberated with great concern.

The UOFRB concluded that in analyzing this incident, it was not one slight deviation but a culmination of missteps throughout the entire incident that caused concern. The totality of the circumstances of this OIS were taken into consideration as to the reasonableness, as well as the uncertainty that patrol officers can encounter. I would have preferred Officers Magana and DeLeon Guerrero had developed a more detailed plan prior to their arrival and had all of their necessary equipment with them prior to their start of watch. Furthermore, I would have preferred Officers Magana and DeLeon Guerrero had an open conversation with each other throughout the entirety of the incident and functioned as a team in dealing with the threat.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that Officers Magana and DeLeon Guerrero's actions were a substantial deviation, without justification, from approved Department tactical training. I will direct that these issues will be topics of discussion during the tactical debrief.

Debriefing Point No. 2

Basic Firearm Safety Rules

(Substantial Deviation, without justification – Officer DeLeon Guerrero)

Firearms safety is a critical component of officer safety. Officers must have the ability to safely draw, holster, manipulate and shoot their weapons at all times, especially when involved in a stressful situation.

Firearms safety rules have been established based upon real life situations and are applicable at all times; in the field, on the range, and at home. Violations of any of the firearms safety rules can result in possible injury or death. Therefore, violations of the firearms safety rules may result in disciplinary action up to and including termination.

The Four Basic Firearm Safety Rules

1. *All guns are always loaded.*
2. *Never allow the muzzle to cover anything you are not willing to shoot.*
3. *Keep your finger off the trigger until your sights are aligned on the target and you intend to shoot.*
4. *Be sure of your target (Los Angeles Police Department Basic Firearms Manual, Chapter 1)*

Officers are required to know and apply the Four Basic Firearm Safety Rules throughout their careers. These rules must be ingrained into an officer's natural thought process and become second nature. Any violation of the Four Basic Firearm Safety Rules may result in the unintentional discharge of a round. This is a serious matter with the potential of having tragic results.

The FID investigation revealed that as Officer Magana was engaged in the OIS, Officer DeLeon Guerrero redeployed to the sidewalk behind the front entrance gate, where he unholstered and drew his service pistol. As he did so, Officer DeLeon Guerrero placed his finger on the trigger, and appeared to cover his left hand with the barrel of his service pistol while Officer Magana was downrange between Officer DeLeon Guerrero and the dog in violation of the Basic Firearm Safety Rules.

The UOFRB noted that adherence to the Basic Firearm Safety Rules is of the utmost importance and a requisite component of officer safety. Officer DeLeon Guerrero unnecessarily placed his finger on the trigger of his service pistol and did not have a clear background.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that Officer DeLeon Guerrero's actions were a substantial deviation, without justification, from approved Department tactical training. I will direct this to be a topic of discussion during the tactical debrief.

During the review of this incident, the following Additional Debriefing Topics were noted:

Additional Tactical Debrief Topics

Protocols Subsequent to a Categorical Use of Force – Goss, one of the dog's owners refused to transport or care for the dog's injury, placing the onus on the officers. Officers A. Jenkins, Serial No. 40039, and M. Bryant, Serial No. 41242, SOE Patrol Division, transported the dog to City of Los Angeles, Department of Animal Services, South Los Angeles Kennel, for medical attention. The UOFRB noted that while Department personnel deviated from Department policy in the transportation of a wounded animal, the reverence for the dog's life was commendable and the actions taken by the involved personnel to de-escalate the situation by doing so should be noted. I will direct this to be a topic of discussion during the Tactical Debrief.

Single-Handed Shooting – Officer Magana held his service pistol in his right hand, utilizing a single-handed grip, while holding his flashlight in his left hand as he discharged two rounds from his service pistol. Officer Magana is reminded the importance of utilizing a two-handed grip when discharging his service pistol for precision and accuracy. To enhance future performance, I will direct this to be a topic of discussion during the Tactical Debrief.

Radio Codes and Procedures – At the prompting of his partner who had just been in an OIS, Officer DeLeon Guerrero advised CD that shots had been fired but did not repeat their location or upgrade the incident to a "Help call." Communications Division upgraded this incident to a "Help call." Moments later, as resources were responding, Officer DeLeon Guerrero provided additional information that the shooting involved an animal. The officers were faced with an incident that could have resulted in serious bodily injury or death and in fact, did result in lethal force being used. The need for disseminating pertinent information to responding resources and requesting the appropriate level of assistance is essential to officer safety and management of an OIS incident.

Command and Control

Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control

implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.

Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (LAPD, Training Bulletin, Volume XLVII Issue 4, July 2018).

Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Supervisor’s Field Operations Guide, Volume 2, LAPD Emergency Operations Guide).

Sergeant Cohen was the first supervisor to arrive on scene and as such, declared herself as Incident Commander. Sergeant Cohen separated and monitored Officers Magana and DeLeon Guerrero until Sergeants Seagrave and Simmons arrived on scene to assist in the separation and monitoring of the Officers Magana and DeLeon Guerrero. Sergeant Cohen communicated with the dog’s owners and managed arriving resources until relieved by the FID investigators.

Sergeant Simmons arrived on scene and assumed the responsibility of monitoring Officer Magana. Sergeant Simmons obtained Officer Magana’s PSS and transported Officer Magana to Southeast Area Community Police Station (SOE CPS) where Sergeant Simmons continued to monitor Officer Magana. Sergeant Simmons recovered Officer Magana’s BWV and DICVS remote and provided the BWV and DICVS to Sergeant Linder.

Sergeant Seagrave arrived on scene and assumed the responsibility of monitoring Officer DeLeon Guerrero. Sergeant Seagrave obtained Officer DeLeon Guerrero’s PSS and transported Officer DeLeon Guerrero to SOE CPS where he continued to monitor Officer DeLeon Guerrero. Sergeant Seagrave recovered Officer DeLeon Guerrero’s BWV and DICVS remote and provided the BWV and DICV to Sergeant Linder.

Sergeant A. Moody, Serial No. 32390, SOE Patrol Division, assisted in the monitoring of Officer Magana.

Sergeant Linder notified the DOC and FID of the OIS incident involving an animal and collected Officers Magana and DeLeon Guerrero’s BWV and DICVS from Sergeants Simmons and Seagrave respectively.

The actions of Sergeants Linder, Moody, Seagrave, Simmons, and Cohen were consistent with Department supervisory training and met my expectations of a field supervisor during a critical incident.

Tactical Debrief

Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for involved personnel to discuss individual actions that took place during this incident.

Therefore, I will direct Officers Magana and DeLeon Guerrero to attend a Tactical Debrief that shall include discussions pertaining to the above Debriefing Topics along with the following mandatory topics:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

General Training Update (GTU)

On November 11, 2019, Officer Magana attended a GTU. All mandatory topics were covered.

Drawing/Exhibiting

Department policy relative to drawing and exhibiting a firearm is: *“An officer’s decision to draw or exhibit a firearm should be based on the tactical situation and the officer’s reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified” (Los Angeles Police Department Manual, Volume No. 1, Section 556.80).*

Officer Magana

According to Officer Magana, he observed a Pit Bull, weighing approximately 70 to 80 pounds, appear from around the corner of the residence. The dog looked in Officer Magana’s direction and stopped. Officer Magana initially believed that the dog was going to be friendly; however, the dog began growling, showing its teeth, and looked vicious. In response, Officer Magana attempted to redeploy and gain some distance from the dog by walking backward in a southerly direction, but the dog charged at him. Officer Magana became scared and drew his service pistol from an approximate distance of 10 feet, which Officer Magana held in his right hand, because he believed the dog was going to bite him.

Officer Magana recalled,

*I observed a Pit Bull dog around the corner from the rear. I first looked at it. It stared at me. I stopped. It began growling and once it did that, I began taking a couple steps back and then it just charged at me. I just could see the mouth wide open like it was ready to bite me. I was scared.*¹⁴

*Maybe 70, 80 pound.*¹⁵

*I believe it's when I started backpedaling and I saw the – as the dog got really close to me that's when I unholstered and I...*¹⁶

*And so, I just stopped and looked at it and then it began to growl and then that's when I was like, oh, what's going on, and then it just took a full sprint. It had its mouth wide open. I could see its teeth and it's – it's growling as it's coming. And like I don't know if it's a growl or a low bark but I could hear it so that's when I immediately started backing up as it's getting closer...I thought it was going to bite me and I unholstered...*¹⁷

*Maybe about 10 feet at that point.*¹⁸

Officer DeLeon Guerrero

According to Officer DeLeon Guerrero, he and Officer Magana were approximately mid-building, when Officer DeLeon Guerrero observed an approximately 90 to 100-pound Pit Bull. Officer DeLeon Guerrero observed the dog began to growl, show its teeth, and take a stance as if it were going to charge at him and Officer Magana. Officer DeLeon Guerrero quickly turned around and sprinted towards the front gate. As he was doing so, Officer DeLeon Guerrero could hear the pitter patter of the dog's paws on the concrete, indicating to him that the dog was charging at them. According to Officer DeLeon Guerrero, he believed Officer Magana was running behind him. As Officer DeLeon Guerrero was running towards the gate, he heard Officer Magana discharge two rounds from his service pistol. After Officer DeLeon Guerrero exited the pedestrian gate, Officer DeLeon Guerrero drew his service pistol because he had heard Officer Magana discharge his service pistol and believed the dog was an immediate threat of death or serious bodily injury to Officer Magana.

Officer DeLeon Guerrero recalled,

As we were walking mid-building I observe a brown Pit Bull breed approximately 90 to 100 pounds. Pit Bull immediately stopped, took a – took a stance as if it were to charge at us. It immediately started growling. I saw – I saw it showing its teeth. There was a bit of

¹⁴ Officer Magana, Page 6, Lines 14-20

¹⁵ Officer Magana, Page 30, Line 24

¹⁶ Officer Magana, Page 13, Lines 1-3

¹⁷ Officer Magana, Page 15, Lines 15-24

¹⁸ Officer Magana, Page 18, Lines 4

*drool. At this point in time, I quickly I looked and turned around and started sprinting back towards the – the gate, the front gate. Initially, I thought my partner would be behind me and the well. I could hear the – the pitter patter of the paws on the con – on the concrete indicating that the dog was – was charging at us.*¹⁹

*I -- I unholstered because I saw -- I -- I heard the shots. I want -- I just wanted to indicate the dog was still or whether the threat was -- the dog was down.*²⁰

*I felt that it was a -- it was going to be an immediate threat of death or serious bodily injury to my partner because of the dog.*²¹

*The dog was -- the only actions that I observed was the dog growling showing its teeth, getting into a stance like it was getting ready to run at us.*²²

In this case, the UOFRB conducted a thorough evaluation of the reasonableness of Officers Magana and DeLeon Guerrero's Drawing/Exhibiting. The UOFRB noted that Officers Magana and DeLeon Guerrero responded to a radio call of an ADW that escalated when a large dog appeared on the property and charged at them while growling and bearing its teeth, causing Officers Magana and DeLeon Guerrero to fear for their safety. In response, officers drew their service pistols to protect themselves and others from the immediate threat of serious bodily injury or death.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers Magana and DeLeon Guerrero, while faced with similar circumstances, would reasonably believe that there was a substantial risk the situation may escalate to the point where deadly force may be justified.

Therefore, I find Officers Magana and DeLeon Guerrero Drawing/Exhibiting to be In-Policy, No Further Action.

Use of Force – General

It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:

- *Defend themselves;*
- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance*

¹⁹ Officer DeLeon Guerrero, Page 8, Lines 7-17

²⁰ Officer DeLeon Guerrero, Page 16, Lines 19-22

²¹ Officer DeLeon Guerrero, Page 17, Lines 1-3

²² Officer DeLeon Guerrero, Page 27, Lines 8-11

The Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances. (Los Angeles Police Department Manual, Volume 1, Section 556.10)*

Lethal Use of Force²³

Law enforcement officers are authorized to use deadly force to:

- *Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*
- *Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*
- *Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury (Los Angeles Police Department Manual, Volume No.1, Section 556.10).*

²³ Los Angeles Police Department Manual, Volume No.1, Section 556.10

The reasonableness of an Officer's use of deadly force includes consideration of the officer's tactical conduct and decisions leading up to the use of deadly force (Los Angeles Police Department Manual, Volume No. 1, Section 556.10).

Officer Magana – 9mm, two rounds, in a downward and northerly direction from a decreasing distance of approximately five feet to three feet.

According to Officer Magana, he observed the dog growling and showing its teeth as it charged towards Officer Magana in a full sprint. Believing the dog was going “to chew him up,” Officer Magana fully extended his right arm and fired one round from his service pistol, from an approximate distance of five feet, towards the dog’s head and body. Upon assessing that the first round had no effect on the dog and the dog was still charging at Officer Magana with its mouth open while emitting a low barking hard growl, Officer Magana fired a second round from his service pistol from an approximate distance of three feet. Officer Magana aimed at the dog’s head and body with his fully extended right arm and the second round struck the dog above the right eye, causing the dog to collapse to the ground.

Officer Magana recalled,

And so, I just stopped and looked at it and then it began to growl and then that's when I was like, oh, what's going on, and then it just took a full sprint. It had its mouth wide open. I could see its teeth and it's – it's growling as it's coming. And like I don't know if it's a growl or a low bark, but I could hear it so that's when I immediately started backing up as it's getting closer. And then when it got three to six feet I – I thought it was going to bite me and I unholstered and I fire two rounds.²⁴

And so, my initial – my thought was just get out of the yard. And then when it closed that distance I – I was scared. I thought this dog was going to chew me up so I – that's why I drew my weapon and fired.²⁵

I thought he was going to bite me.²⁶

It was still charging and I could see that its mouth open so I could see all his teeth and he was like growling, making like a low barking hard growl sound so.²⁷

Oh this dog would have bit me for sure.²⁸

²⁴ Officer Magana, Page 15, Lines 15-24

²⁵ Officer Magana, Page 23, Lines 6-9

²⁶ Officer Magana, Page 19, Line 21

²⁷ Officer Magana, Page 32, Lines 3-6

²⁸ Officer Magana, Page 38, Lines 19-20

*I think when I fired the first round the dog was maybe five feet in front of me. And then I – my second round was probably he was about three feet in front of me.*²⁹

*Body. The – or the head. Head, body because he was coming right in front of me.*³⁰

The UOFRB conducted a thorough review in evaluating the circumstances and evidence related to this OIS. The UOFRB noted that Officer Magana had attempted to redeploy away from the dog; however, the dog closed the distance, presenting an immediate threat to Officer Magana. In response to the threat, Officer Magana discharged his service pistol twice and assessed between each shot.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer Magana would believe the dog's actions presented an imminent threat of death or serious bodily injury and that the use of lethal force would be objectively reasonable.

Therefore, I find Officer Magana's Use of Lethal Force to be In Policy, No Further Action.

Addition/Equipment

Body Worn Video - The FID investigation determined that Officers Magana and DeLeon Guerrero did not activate their BWV while conducting their investigation in response to the radio call until after the OIS occurred.

The Office of Operations conducted a random inspection of BWVs associated with Officers Magana and DeLeon Guerrero from May 1, 2020 through May 31, 2020, for compliance with timely BWV activation of investigative or enforcement contacts with the public. The results of the inspection revealed that Officers Magana and DeLeon Guerrero had no deviations and were in compliance as required.

Additionally, Sergeant Cohen's BWV did not have a full two-minute buffer.

The Office of Operations conducted a random inspection of BWVs associated with Sergeant Cohen from January 1, 2020 through January 31, 2020, for compliance with the full two-minute pre-activation buffer. The results of the inspection revealed that Sergeant Cohen had no deviations and was in compliance as required.

Captain E. Tingirides, Serial No. 31546, Commanding Officer, Southeast Patrol Division, addressed these issues through informal counseling and training, which were documented on Employee Comment Sheets, and entered into TEAMS II with the initiation of Supervisory Action Items (SAI). The Commanding Officer of Operations - South Bureau (OSB) and the

²⁹ Officer Magana, Page 18, Lines 16-19

³⁰ Officer Magana, Page 18, Lines 24-25

Director of the Office of Operations (OO) concurred with this action. As such, I deem no further action is necessary.

Protocols Subsequent to a Categorical Use of Force – The FID investigation determined that Sergeant Linder notified the DOC approximately 48 minutes after the OIS.

The FID investigation revealed that Sergeant Linder's Watch Commander's Daily Report did not document the names of the supervisors who separated and monitored Officers Magana and DeLeon Guerrero.

According to the Southeast Area Command, Sergeant Linder has had no documented prior discrepancies of this nature and is a tenured Assistant Watch Commander; therefore, Captain Tingirides addressed these issues through informal counseling and training, which was documented on an Employee Comment Sheet, and entered into TEAMS II with the initiation of a SAI. The Commanding Officer of OSB and the Director of the OO concurred with this action. As such, I deem no further action is necessary.

Sergeant Cohen's BWV revealed that she solicited and ascertained details of the OIS from Officer Magana prior to obtaining his PSS.

According to the Southeast Area Command, Sergeant Cohen has had two prior discrepancies regarding the administration of the PSS at the scene of CUOF incidents, which led to the initiation of personnel complaints that were adjudicated as sustained. The BWV related to this incident was reviewed by Captain L. Paglialonga, Serial No. 30329, Commanding Officer, Southeast Area. Preliminary review indicated that this discrepancy did not appear too egregious or done with any nefarious intent. However, given Sergeant Cohen's history of multiple similar discrepancies, Captain Paglialonga has recommended that this issue be addressed through the initiation of a personnel complaint. The Commanding Officer of OSB and the Director of the OO concurred with this action. As such, I deem no further action is necessary.

Audio/Video Recordings

Digital In-Car Video System (DICVS) – Officers Magana and DeLeon Guerrero's police vehicle was equipped with DICVS at the time of the incident. The DICVS did not capture the OIS, which occurred in the yard on the east side of the residence.

Body Worn Video (BWV) – SOE Patrol Division officers were equipped with BWV at the time of the incident.

Officers Magana's BWV captured video but no audio of his approach to the scene, the dog charging at the officers, as well as the ensuing OIS.

Officer DeLeon Guerrero's BWV captured video but no audio of his approach to the scene and the aftermath of the OIS.

The Honorable Board of Police Commissioners

Page 22

3.2

Outside Video – The FID investigators located security video from 418 East Century Boulevard. The video captured Officers Magana and DeLeon Guerrero’s arrival and encounter with the dog; however, it did not capture the OIS.

Respectfully,



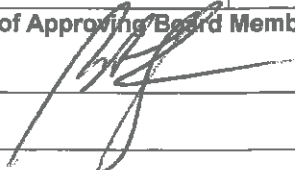
MICHEL R. MOORE
Chief of Police

Date: 8-4-20

LOS ANGELES POLICE DEPARTMENT
 USE OF FORCE REVIEW BOARD REPORT

INC NO. 048-19	CF NO.	DR. NO.
OIS – Animal (Dog)		

REVIEW BOARD INFORMATION

Location of Incident 419 East Century Boulevard	RD 1823	Date of Incident October 9, 2019	Date and Time of Board Review July 9, 2020 1330 Hours
Chairman Assistant Chief B. Girmala, Serial No. 24916	Signature of Approving Board Members: 		
Member (Office Representative)			
Member (Police Sciences and Training Bureau)			
Member (Operations South Bureau)			
Member (Training Division)			
Peer Member			
Presenting Commanding Officer			
NOTES:			
RECEIVED POLICE COMMISSION 2020 AUG -5 AM 10:30			
ADDITIONAL CONSIDERATIONS:			
MODIFICATION TO PRESENT POLICY, PRACTICES OR TRAINING:			
■ COP Date Signed: <u>8/4/20</u> ■ PC Date Submitted: <u>8/5/20</u>			

Employee (Last Name, First, Middle)
Magana, Charlie

Serial No.
38753

Rank/Class
Police Officer II

Incident No.
048-19

Length of Employment
12 years, 4 months

Current Division
Southeast

Time in Current Division
2 years, 3 months

Use of Force Review Board **Chief of Police** **Police Commission**

Tactics
 Does Not Apply
 Tactical Debrief
 Administrative Disapproval

Tactics
 Does Not Apply
 Tactical Debrief
 Administrative Disapproval

Tactics
 Does Not Apply
 Tactical Debrief
 Administrative Disapproval

Drawing and Exhibiting the Firearm
 Does Not Apply
 In Policy (No Further Action)
 Out of Policy (Administrative Disapproval)

Drawing and Exhibiting the Firearm
 Does Not Apply
 In Policy (No Further Action)
 Out of Policy (Administrative Disapproval)

Drawing and Exhibiting the Firearm
 Does Not Apply
 In Policy (No Further Action)
 Out of Policy (Administrative Disapproval)

Lethal Use of Force
 Does Not Apply
 In Policy (No Further Action)
 Out of Policy (Administrative Disapproval)

Lethal Use of Force
 Does Not Apply
 In Policy (No Further Action)
 Out of Policy (Administrative Disapproval)

Lethal Use of Force
 Does Not Apply
 In Policy (No Further Action)
 Out of Policy (Administrative Disapproval)

Less-Lethal Use of Force
 Does Not Apply
 In Policy (No Further Action)
 Out of Policy (Administrative Disapproval)

Less-Lethal Use of Force
 Does Not Apply
 In Policy (No Further Action)
 Out of Policy (Administrative Disapproval)

Less-Lethal Use of Force
 Does Not Apply
 In Policy (No Further Action)
 Out of Policy (Administrative Disapproval)

Non-Lethal Use of Force
 Does Not Apply
 In Policy (No Further Action)
 Out of Policy (Administrative Disapproval)

Non-Lethal Use of Force
 Does Not Apply
 In Policy (No Further Action)
 Out of Policy (Administrative Disapproval)

Non-Lethal Use of Force
 Does Not Apply
 In Policy (No Further Action)
 Out of Policy (Administrative Disapproval)

Unintentional Discharge
 Does Not Apply
 Accidental
 Negligent (Administrative Disapproval)

Unintentional Discharge
 Does Not Apply
 Accidental
 Negligent (Administrative Disapproval)

Unintentional Discharge
 Does Not Apply
 Accidental
 Negligent (Administrative Disapproval)

Other Issues
 Does Not Apply
 In Policy (No Further Action)
 Out of Policy (Administrative Disapproval)

Other Issues
 Does Not Apply
 In Policy (No Further Action)
 Out of Policy (Administrative Disapproval)

Other Issues
 Does Not Apply
 In Policy (No Further Action)
 Out of Policy (Administrative Disapproval)

Notes:

**Final Adjudication for Out of Policy/
Administrative Disapproval Finding**

Extensive Retraining
 Notice to Correct Deficiencies
 Personnel Complaint

Employee's Work History Reviewed

Notes:

*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

Employee (Last Name, First, Middle)

DeLeon Guerrero, John

Serial No.

43085

Rank/Class

Police Officer II

Incident No.

048-19

Length of Employment

2 years, 4 months

Current Division

Southeast

Time in Current Division

1 year, 10 months

Use of Force Review Board

Chief of Police

Police Commission

Tactics

- Does Not Apply
- Tactical Debrief
- Administrative Disapproval

Tactics

- Does Not Apply
- Tactical Debrief
- Administrative Disapproval

Tactics

- Does Not Apply
- Tactical Debrief
- Administrative Disapproval

Drawing and Exhibiting the Firearm

- Does Not Apply
- In Policy (No Further Action)
- Out of Policy (Administrative Disapproval)

Drawing and Exhibiting the Firearm

- Does Not Apply
- In Policy (No Further Action)
- Out of Policy (Administrative Disapproval)

Drawing and Exhibiting the Firearm

- Does Not Apply
- In Policy (No Further Action)
- Out of Policy (Administrative Disapproval)

Lethal Use of Force

- Does Not Apply
- In Policy (No Further Action)
- Out of Policy (Administrative Disapproval)

Lethal Use of Force

- Does Not Apply
- In Policy (No Further Action)
- Out of Policy (Administrative Disapproval)

Lethal Use of Force

- Does Not Apply
- In Policy (No Further Action)
- Out of Policy (Administrative Disapproval)

Less-Lethal Use of Force

- Does Not Apply
- In Policy (No Further Action)
- Out of Policy (Administrative Disapproval)

Less-Lethal Use of Force

- Does Not Apply
- In Policy (No Further Action)
- Out of Policy (Administrative Disapproval)

Less-Lethal Use of Force

- Does Not Apply
- In Policy (No Further Action)
- Out of Policy (Administrative Disapproval)

Non-Lethal Use of Force

- Does Not Apply
- In Policy (No Further Action)
- Out of Policy (Administrative Disapproval)

Non-Lethal Use of Force

- Does Not Apply
- In Policy (No Further Action)
- Out of Policy (Administrative Disapproval)

Non-Lethal Use of Force

- Does Not Apply
- In Policy (No Further Action)
- Out of Policy (Administrative Disapproval)

Unintentional Discharge

- Does Not Apply
- Accidental
- Negligent (Administrative Disapproval)

Unintentional Discharge

- Does Not Apply
- Accidental
- Negligent (Administrative Disapproval)

Unintentional Discharge

- Does Not Apply
- Accidental
- Negligent (Administrative Disapproval)

Other Issues

- Does Not Apply
- In Policy (No Further Action)
- Out of Policy (Administrative Disapproval)

Other Issues

- Does Not Apply
- In Policy (No Further Action)
- Out of Policy (Administrative Disapproval)

Other Issues

- Does Not Apply
- In Policy (No Further Action)
- Out of Policy (Administrative Disapproval)

Notes:

**Final Adjudication for Out of Policy/
Administrative Disapproval Finding**

- Extensive Retraining
- Notice to Correct Deficiencies
- Personnel Complaint

Employee's Work History Reviewed

Notes:

*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.